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**Notice of Allowability**

Application No.

10/688,020

Examiner

Anatoly Vortman

Applicant(s)

CARUSO ET AL.

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 7/8/06.
2. ☒ The allowed claim(s) is/are 1,2,4,6,15-19,21-24 and 30-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 0806.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



Anatoly Vortman  
Primary Examiner  
AU 2835

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with **Thomas J. Brindisi, Reg. No. 40, 348 on August 1, 2006 and on August 2, 2006.**

The application has been amended as follows:

Claims 20, 25, 26, 27, 28, and 29 have been cancelled.

2. The following is an examiner's statement of reasons for allowance:

Applicant's arguments regarding the rejections of claims 1 and 21 have been found persuasive, therefore rejections of claims 1 and 21 are hereby withdrawn. Specifically, Examiner has found convincing the Applicant's line of reasoning pertaining to the novel feature of the invention, i.e. a projectile that is an integral part of the device housing. (See amendment p. 10, lines 16+). Therefore, in view of the above, allowability resides in the overall structure of the device as recited in independent claims 1 and 21, and at least in part, because of the following:

Regarding claim 1, the claim recites: "a projectile formed of polymer as an integral part of said housing, between said pyrotechnic igniter and said electrically conductive portion".

Regarding claim 21, the claim recites: "means for breaking said electrically conductive portion using the output of said pyrotechnic igniter,". Since Applicant has invoked consideration

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of the claim under 35 USC 112, paragraph 6 (see amendment, p. 10, last four lines and p. 11, lines 1-2) and in view of the election by original presentation of a specie of the circuit breaker comprising a projectile, which is formed as an integral part of the housing (see paragraph #2 of the non-final Office action of April 3, 2006), the structure of said “means for breaking” or equivalents thereof have been construed as described in the specification in relation only to the embodiment of the circuit breaker comprising the projectile (see section [0016]) of the specification and Fig. 2, pertained the embodiment of the circuit breaker comprising the projectile (34) which is formed as an integral part of the housing (22)).

The aforementioned limitations in combination with all remaining limitations of claims 1 and 21, respectively, are believed to render said claims 1 and 21 and all claims dependent therefrom patentable over the art of record.

3. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

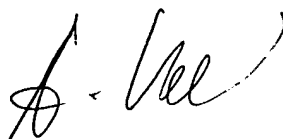
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anatoly Vortman  
Primary Examiner  
Art Unit 2835

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A handwritten signature in black ink, appearing to read 'A. Vortman', with a horizontal line extending from the end of the signature towards the right.